

## CHAPTER 56

# DIVISION OF LAND AND SUBDIVISION REGULATIONS

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**56.01 TITLE AND PURPOSE.** This chapter shall be known and may be cited as the "Division of Land and Subdivision Ordinance" of Marion County, Iowa, except as referred to herein, where it shall be known as "this Ordinance." No land shall be divided, subdivided, transferred, or sold by reference to, exhibition of, or any other use of a plat or map showing a subdivision of land before the survey, plat or map has been approved and recorded in compliance with this Ordinance. Land that is divided into two or more lots or parcels of less than an aliquot part shall be subject to the procedures and requirements prescribed in this Ordinance including plats of survey, minor subdivision plats and major subdivision plats as applicable by this Ordinance and State law.

### **56.02 LAND DIVISION EXEMPTIONS.**

1. Agricultural Land Division. The division of land for agricultural purposes into parcels of more than forty (40) acres, along established aliquot part lines, shall be exempt from the requirements of this Ordinance provided the division does not involve any new road, street, easement or other dedication. Such division of parcels of more than 40 acres shall not be further divided without meeting all of the requirements of this chapter.
2. Acquisition Plats. Any acquisition plat of land divided for right-of-way purposes shall be exempt from the requirements of this Ordinance.
3. Auditor's Plat. Any land division by auditor's plat may be exempt if the division meets the requirements of the State Code of Iowa Chapter 354, provided there is on file a copy of the Marion County Auditor's request ordering such plat and a letter from said Auditor stating the plat as submitted meets the requirements for which the plat was ordered. An auditor's plat does not convey building rights to a parcel unless so stated on the plat and in the resolution passed by the governing body.
4. Boundary Line Adjustments. A plat of subdivision may not be required for boundary line adjustments that do not increase the number of lots if the Zoning Official determines that a plat of survey can adequately show the necessary adjustment, if not a plat of subdivision shall be required.
5. Easements. Any conveyance of an easement.
6. Government Parcel. A subdivision plat is not required when land is divided by conveyance to a governmental agency for public improvements.

7. Land Division Within the Boundaries of an Incorporated City Located within Marion County. No divisions or subdivisions of land shall be made or recorded until the land division has either been approved or review has been waived by the appropriate city.

**56.03 DEFINITIONS.** For the purpose of this chapter, certain words and terms are herein defined.

1. “Agricultural use only” or “ag use only” means any lot, tract or parcel of land not specifically designated as a “buildable” lot. No building permit shall be issued for any dwelling or principal structure on any lot, tract or parcel that has been designated for ag use only, however building permits for accessory structures customary to farm operations, such as machine sheds or corn cribs, may be issued provided they are not habitable and met all zoning requirements.

2. “Applicant” means an owner or subdivider of land proposed to be divided or subdivided or the owner’s representative. Where application is made by someone other than the legal owner, consent is required from the legal owner of the premises as a part of the application.

3. “Auditor’s Plat” means a plat prepared at the request of the County Auditor or Assessor to clarify property descriptions for the purposes of assessment and taxation.

4. “Aliquot part” means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter or one-quarter of one-quarter shall be considered an aliquot part of a section.

5. “Block” means an area of land within a subdivision that is entirely bounded by streets or highways; or by streets or highways and the exterior boundary or boundaries of the subdivision.

6. “Bond” means cash deposits, surety bonds or instruments of credit in the amount and form satisfactory to the County. All bonds shall be accepted and approved by the Board of Supervisors whenever a bond is required by these regulations.

7. “Board” means the Board of Supervisors of Marion County.

8. “Building line” means a line on a plat between which line and public or private right-of-way line no buildings or structures may be erected.

9. “Buildable” means any lot, tract or parcel of land that may be developed with structures designed for principal uses as permitted in the applicable zoning district. To be designated as buildable, the lot, tract or parcel shall comply with all applicable requirements of Chapter 55 – Zoning Regulations, including a survey as may be required to establish property lines and setbacks. No lot, tract or parcel shall be considered buildable unless it complies with the requirements of Sections 55.10 and 55.29 of the Zoning Code and has been designated as a buildable lot by the Zoning Official prior to issuance of a building permit. All other lots, tracts and parcels shall be considered to be designated “for agricultural use only.”

10. “Commission” means the Marion County Zoning Commission.

11. “Comprehensive Plan” means the current Comprehensive Plan for the development of Marion County, Iowa, or any of its geographical parts, prepared for

and adopted by the Board of Supervisors and includes any parts of such plans separately adopted and any amendments to such plans or parts thereof.

12. “Construction plans” means the maps or drawings prepared by a registered engineer accompanying the subdivision plat and showing the specific location and design of improvements to be installed in the subdivision. The term “construction drawing” means the same.

13. “Contractor” means any person who constructs the improvements required herein.

14. “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

15. “Dead-end street” means a street presently closed to through traffic at the end and is planned for future extension.

16. “Division” means dividing a tract or parcel of land into two parcels of land by conveyance or for taxation.

17. “Division of land request” means a written request for the platting requirements of any division or subdivision of a tract, lot or parcel(s) within the unincorporated area of Marion County.

18. “Drainageway, improved” means an improved ditch, stream or waterway with shaped inverts, graded slopes and controlled velocities.

19. “Drainageway, natural” means an existing ditch, stream or waterway in as natural condition as possible and which can be maintained as such in the opinion of the County Engineer.

20. “Easement” means the right of a person or corporation to use land of another for a definite purpose.

21. “Engineer” means a registered engineer authorized to practice civil engineering, as defined by the registration act of the State of Iowa.

22. “Forty-acre aliquot part” is a quarter-quarter ( $\frac{1}{4}$ - $\frac{1}{4}$ ) section, the smallest aliquot part of a section.

23. “Grade” means the slope of a road, street, utility, earth embankment or other facility specified in percent of vertical to horizontal measurements.

24. “Improvement” means any drainage, roadway, parkway, storm sewer, sanitary sewer, water main, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the County may ultimately assume the responsibility for construction, maintenance and/or operation or which may affect an improvement for which the County’s responsibility is established.

25. “Lot” means a tract of land having fixed boundaries and identified by number or letter designation on a survey or subdivision plat.

26. “Lot, flag” means a lot with access provided to the bulk of the lot by means of a narrow corridor which does not meet the minimum permitted lot width requirements at the minimum setback distance from the public street.

27. “Owner” means any person, group of persons, firm, corporation or other legal entity having legal and equitable title in the land sought to be subdivided under these regulations.

28. "Parcel" means a part of a tract of land, said parcel must be contiguous in order to be considered as one parcel for purposes of this Chapter.
29. "Plans of record" means plans prepared by a registered engineer, showing the engineer's signature and certifying that the public improvements have been constructed as shown.
30. "Plat" means a map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends in final form to record.
31. "Plat, final" means the drawing on which the subdivision plan is presented in the form which, if approved by the Board of Supervisors and Zoning Commission, will be filed and recorded with the County Recorder.
32. "Plat, preliminary" means a study or drawing indicating the proposed manner or layout of the subdivision which is submitted to the Board of Supervisors and Zoning Commission for consideration and approval.
33. "Plat of survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor.
34. "Private drive" means any vehicular ingress or egress on a property intended to serve one residential or non-residential property.
35. "Private road" or "private street" means a road or street in a division or subdivision not dedicated and/or accepted by Marion County as a public street. Maintenance of said private road shall not be the responsibility of Marion County. The usage of the term private road or private street for land platting purposes means that every right-of-way for private street hereafter established shall be shown on the final plat by easement and shall be included within the dimensions or gross areas of such lots encumbered by said easement. Net lot areas of such lots shall be exclusive of right-of-way easements.
36. "Proprietor's plat" means a plat as defined herein submitted by the owner of the land being platted, or an agent, or other private entity, acting with the consent of the owner.
37. "Public road" means a road or street in a subdivision which meets all requirements and has been constructed in accordance with the standard specifications of Marion County and for which a right-of-way has been granted and accepted by Marion County.
38. "Right-of-way" means a strip of land occupied or intended to be occupied by a road, crosswalk, railroad, public street or road, electric transmission line, oil or gas pipeline, water main, sanitary sewer, storm sewer main, shade trees, or for another special use. The usage of the term right-of-way for land platting purposes means that every right-of-way for public streets hereafter established shall be shown on the final plat by easement and shall be included within the dimensions or gross areas of such lots. However, in unique circumstances, the Board of Supervisors, upon recommendation of the County Engineer, may require certain public streets to be shown on a final plat to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots encumbered by said easement. Net lot areas of such lots shall be exclusive of right-of-way easements. Rights-of-way intended for public streets or roads, crosswalks, water

mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency are dedicated to public use by the maker of the plat on which such right-of-way is established, except as otherwise provided in these regulations.

39. “Specific quantity description” means, as distinguished from a metes and bounds description, to define a tract by describing the quantity and relative location within the tract.

40. “Subdivider” means any person who, having an interest in the land causes it, directly or indirectly, to be divided or subdivided.

41. “Subdivision” means the division of a lot, 40-acre aliquot part, tract or parcel of land into three or more lots or parcels by repeated divisions or by simultaneous division, whether said lots, tracts or parcels are under one or more than one ownership(s). The term includes resubdivision.

A. A plat of subdivision shall be made when a tract or parcel of land is subdivided by repeated divisions or simultaneous division into five or more parcels. Further, a plat of subdivision shall be made when a tract of land is subdivided by repeated divisions or simultaneous division into three or more parcels, any of which are described by metes and bounds description for which no plat of survey is recorded.

(1) The Zoning Commission may waive the requirement for a plat of subdivision, including minor plat of subdivision, for a land division creating no more than one new lot or parcel provided all other requirements of this chapter have been met and provided there are no objections from the Zoning Official, County Engineer, County Auditor or Environmental Health. In such cases, a plat of survey shall be provided in accordance with the requirements of this chapter.

B. The term “subdivision” as defined above does not include the division of a lot where (1) the land is to be used only for agricultural uses only; and (2) where all of the lots created are at least three (3) acres net in size, exclusive of right-of-way; and (3) which includes no land set apart for new streets, alleys, parks, open areas, school property or public use or land set apart for residential or other nonagricultural uses.

(1) The plat of survey for such division shall contain the following notation: “Note: this plat is for agricultural purposes only. No further development, including issuance of building permits, may take place on it without complying with the subdivision regulations of Marion County, Iowa.”

(2) By recording a division of land for agricultural purposes only, the property owner agrees that any listing, offer for sale, or other document(s) contemplating the transfer of any such parcel or portion of such parcel and any deed or other instrument transferring any interest in the same shall contain the following notation in at least 8 point bold faced type in all capital letters: “NOTE: THIS PARCEL IS PART OF A PLAT FOR AGRICULTURAL PURPOSES ONLY. NO FURTHER DEVELOPMENT, INCLUDING ISSUANCE OF BUILDING PERMITS, MAY TAKE PLACE ON IT WITHOUT COMPLYING WITH THE SUBDIVISION REGULATIONS OF MARION COUNTY, IOWA.”

42. “Subdivision, minor” means the division of a lot, tract, or parcel of land that meets the following conditions:
- A. All the lots of the subdivision abut an existing dedicated public road, highway, or street.
  - B. No new public or private road within the subdivision is proposed nor is any new public or private road required by the County in order to assure adequate access to an existing public road, highway, or street from any of the lots of the subdivision.
  - C. All available County service systems and public improvements are already extended so that each system is readily accessible for the direct and individual service connection thereto from each lot of the subdivision.
43. “Subdivision plat” means the graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the County and approved by the County Auditor.
44. “Surety” means a guarantee in writing backed by substantial assets pledged by any financial institution, insurance company, or other party of substantial financial standing being bound with its principal for the payment of a sum of money or for the performance of some duty or promise required of the party being serviced.
45. “Surveyor” means a licensed land surveyor authorized to practice surveying as defined by State *Code of Iowa*.
46. “Tract” means an aliquot part of a section, a lot within an official plat, or a government lot.

**56.04 AUDITOR’S PLAT.** With regard to auditor’s plats, as distinguished from proprietor’s plats, the Commission and Board of Supervisors shall have the right to waive provisions governing preliminary plat approval and public improvements outlined in the Ordinance, providing there is on file with the Commission a copy of the request of the Marion County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

**56.05 FILING PROCESS.**

1. Division of Land Request. Whenever the owner of any lot, tract or parcel(s) of land within the unincorporated area of Marion County wishes to divide or subdivide land, the applicant shall cause to be prepared a division of land request for the purpose of determining whether the proposed land division shall be accomplished via specific quantity description, plat of survey, minor subdivision or subdivision. One copy or digital of the division of land request shall be submitted to the Zoning Official. The Zoning Official shall forward one copy of the request each to the County Auditor, County Engineer and Environmental Health who shall each provide their recommendation and requirements regarding the land division to the Zoning Official within six (6) working days. Within ten (10) working days, the Zoning Official will notify the applicant of the required method, procedures and requirements for the proposed division of land.
2. Specific Quantity Description. Whenever a specific quantity description may be permitted for the division or subdivision of land, the applicant shall cause to be

prepared all documents as required by the Zoning Official, County Auditor, County Engineer and Environmental Health. The applicant shall provide two copies of required documents to the Zoning Official's office for review. Within fifteen (15) working days, the Zoning Official shall notify the owner of their findings, and if any, revisions required prior to approval. The owner shall then provide two copies of a revised submittal to the Zoning Official for final review. Within ten (10) working days of resubmission, provided all required revisions have been satisfactorily completed, the County Auditor and Zoning Official shall approve the specific quantity description and both shall sign and date said description prior to recording. The owner shall then pick up the approved land division from the County Auditor's office and submit all documents to the County Recorder for recording purposes. Approval of the land division shall be null and void unless the land division is recorded within one year after the date of approval by the Zoning Official. The owner will have to complete the process again, after the year has passed if they do not record, including the subdivision fees. No parcel of land created by specific quantity description shall be considered buildable unless specifically designated as such by the Zoning Official, following a more detailed review and coordination with the County Engineer and Environmental Health Department. Any approved Specific Quantity Description to be used for the division and transfer of land shall add an approval note on the initial transfer document that this description has been approved by the Zoning Official.

3. Plat of Survey. Whenever a plat of survey may be permitted or required for the division or subdivision of land, the applicant shall cause to be prepared a plat of survey in accordance with Section 56.07 hereof and Chapters 354 and 355 of the Iowa Code. The applicant shall submit two copies of the plat of survey to the Zoning Official. The Zoning Official shall forward one copy of the plat of survey to the County Engineer and one copy to Environmental Health for their review. The County Engineer and Environmental Health shall provide their review comments to the Zoning Official within fifteen (15) working days. Within 15 working days, the Zoning Official shall notify the applicant of any and all revisions required prior to approval. The owner shall then provide two copies of the revised submittal with all necessary revisions and documentation, including the required note on the plat stating whether each parcel is designated as buildable or for agricultural purposes only, to the Zoning Official for final review. Within ten (10) working days of resubmission, provided all required revisions have been satisfactorily completed, the Zoning Official shall approve the plat of survey and both shall sign and date said description prior to recording. The owner shall then pick up the approved land division from the Zoning Official's office and submit all documents to the County Recorder for recording purposes. Approval of the plat of survey shall be null and void unless the plat is recorded within one year after the date of approval by the Zoning Official. The owner will have to complete the process again, after the year has passed if they do not record, including the subdivision fees.

4. Minor Plat of Subdivision. Whenever a minor plat of subdivision may be permitted or required the applicant shall cause to be prepared a plat of survey in accordance with Sections 56.07 and 56.10 hereof and Chapters 354 and 355 of the Iowa Code, said plat of survey shall be titled "Minor Subdivision." Two copies of the minor plat of subdivision shall be submitted to the Zoning Official for review. The submittal must include the plat and information as outlined in Section 56.10 and include the appropriate fee. The Zoning Official shall distribute the minor plat to the County Auditor, County Engineer, and Environmental Health for review. Following all current engineering, and environmental standards. The Zoning Official will

provide a consolidated list of corrections that are required to meet the minimum standards of this Ordinance, including the required note on the plat stating whether each lot or parcel is designated as buildable or for agricultural purposes only. The owner shall submit three (3) copies of the revised minor plat and other information to the Marion County Zoning Commission for its study and approval. The Zoning Commission shall review in accordance with Marion County Ordinances the proposed minor plat of subdivision, hear citizen comments; consider the recommendations of the Zoning Official, County Engineer, and Environmental Health; and make its recommendations. The Commission shall approve, approve with conditions, or reject such plat within sixty (60) days after the date of submission thereof to the Commission. If the Commission does not act within sixty (60) days, said plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of the time for a period not to exceed ninety (90) days. The approval of the minor plat of subdivision by the Commission shall be null and void unless said plat is submitted to the Board of Supervisors within one hundred eighty (180) days after date of approval by the Commission. The owner will have to complete the process again, after the year has passed if they do not record, including the subdivision fees. The applicant shall submit three (3) copies of the approved plat, along with the Commission's recommendation of approval, for final approval by the Board. The applicant shall submit the approved minor plat of subdivision to the County Recorder. No plat shall be recorded that has not been certified as approved by the Board. Approval of said plat shall be null and void unless the plat is recorded within one year after the date of approval by the Board. The owner will have to complete the process again, after the year has passed if they do not record, including the subdivision fees.

5. Plat of Subdivision. Whenever a subdivision plat is required, the applicant shall cause to be prepared a preliminary plat and a final plat. The preliminary plat and final plat shall not be submitted for consideration at the same meeting of either the Zoning Commission or the Board of Supervisors.

A. Preliminary Plat. A preliminary plat shall be prepared by a land surveyor licensed in Iowa in accordance with Sections 56.07 and 56.08 hereof. One copy and digital copy of the preliminary plat shall be submitted to the Zoning Official for review. The submittal must include the plat and information as outlined in Section 56.08 and include the appropriate fee. The Zoning Official shall distribute the preliminary plat to the County Auditor, County Engineer, and the County Sanitarian for staff review. The Zoning Official will provide a consolidated list of corrections that are required to meet the minimum standards of this ordinance. The owner shall submit three (3) copies of the revised preliminary plat and other information, including a waiver for the construction of private streets, to the Marion County Zoning Commission for its study and approval. The Zoning Commission shall review in accordance with Marion County Code the proposed preliminary plat, hear citizen comments, consider the recommendations of staff, and make its recommendations. The Commission shall approve, approve with conditions or reject such plat within sixty (60) days after the date of submission thereof to the Commission. If the Commission does not act within sixty (60) days, the preliminary plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of the time for a period not to exceed ninety (90) days. However, if the preliminary plat includes any public improvements or in absence of a recommendation from the County Engineer that all improvements shall be private, the Zoning Official shall forward



digital copies of said preliminary plat to the Board of Supervisors for their approval before said preliminary plat shall be deemed as approved. The approval of the preliminary plat by the Commission, and Board whenever so required, shall be null and void unless the final plat for at least a portion of the preliminary plat is presented to the Commission within one hundred eighty (180) days after date of preliminary approval.

(1) Public Hearing. Before reviewing a preliminary plat, the Commission may in its discretion hold a public hearing, notice of which shall be given by publication in a local newspaper, and by posting notices on the tract, both seven (7) days prior to such public hearing. Notice of public hearing shall also be given to all property owners within five hundred (500) feet (200 feet for property zoned "R") of the plat boundaries by placing said notice in the United States Mail at least ten (10) days before date of such hearing. If the subdivider is the only adjacent land owner within 500 feet or 200 feet of the plat boundary, notice shall be sent to the next adjacent land owners. The notice shall state the time and place at which the preliminary plat may be examined.

B. Final Plat. A final plat shall be prepared by a land surveyor licensed in Iowa in accordance with applicable Codes of Iowa and shall note whether each lot or parcel is designated as buildable or for agricultural purposes only. The subdivider shall submit to the Commission for its approval or rejection, digital copies of a final plat of the subdivision which shall contain the data and information outlined in Section 56.09 of this chapter. If the Commission approves the plat, such approval and the date thereof shall be noted on the plat over the signature of the Chairperson of the Commission. The approval of the final plat by the Commission shall be null and void unless the final plat is submitted to the Board of Supervisors within one year after date of approval by the Commission. The owner will have to complete the process again, after the year has passed if they do not record, including the subdivision fees.

(1) Final Approval. After approval of the final plat of the subdivision by the Commission, the recommendation of approval and two copies of the final plat shall be submitted to the Board of Supervisors by the Commission for final approval and for the acceptance of all public roads, streets, alleys, easements, parks or other areas reserved for or dedicated to the public, along with the required surety bonds or checks guaranteeing that the improvements required under Section 56.09 herein shall be installed.

(a) No final plat shall be approved by the Board until all required public improvements have been installed and accepted or until appropriate surety is provided, all in conformance with Section 56.09.

(b) No building permits shall be issued by the Zoning Official for any lot in said plat until all necessary private streets have been installed in conformance with Section 56.09.

(2) Filing. The final plat, as approved by the Board, shall be filed with the County Auditor and Recorder in accordance with the

provisions of existing statutes and following procedures as required by said Auditor and Recorder. Approval of the final plat by the Board of Supervisors shall be null and void if the plat is not recorded within thirty (30) days after date of approval, unless application for an extension of time is made in writing during said 30-day period to the Board, and granted. The provisions of this section are also applicable to all plats approved prior to the effective date of the ordinance codified in this chapter.

(a) No final plat shall be recorded unless it has been stamped as approved by the Board of Supervisors.

(b) No final plat shall be recorded if said plat includes a private street that does not meet the minimum standards required herein unless a consent and waiver is recorded for each lot within the subdivision stating that the cost for any improvements to bring the private street up to minimum standards shall be the responsibility of the property owner(s).

**56.06 LAND DIVISIONS WITHIN JURISDICTIONAL LIMITS OF CITIES.** With regard to land divisions or subdivisions located in the unincorporated area of Marion County, have enacted subdivision regulations in accordance with the provisions of Section 354.9, *Code of Iowa*, or the current 28E agreement with the individual municipality the provisions of this chapter shall apply. The purpose of this section is to facilitate the orderly processing of land divisions and subdivisions in unincorporated areas within the provisions of Section 354.9, *Code of Iowa*, or current 28E agreements with the individual municipality of the corporate limits of cities and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the County and its cities.

1. Plats of Subdivision. The appropriate City Council(s) shall pass by resolution either the approval, disapproval or waiver of cities right to review all subdivision plats lying within the provisions of Section 354.9, *Code of Iowa*, or current 28E agreements with the individual municipality. The applicant is required to provide additional copies to the appropriate City along with necessary fees as required by said City.

A. The City Council of the appropriate city may agree to waive their right to review a plat of subdivision to the end that the City is satisfied equally suitable regulations shall be placed on said subdivision by Marion County under the provisions of this chapter. In such instance, the Marion County Zoning Official shall furnish the City a copy of the said subdivision, as approved by the County, certifying that all requirements of the Marion County Subdivision Ordinance have been met.

2. Plats of Survey. A plat of survey within the provisions of Section 354.9, *Code of Iowa*, or current 28E agreements with the individual municipality may be subject to review and may require approval by City. The owner or project representative is required to provide additional copies along with necessary fees as required by appropriate city.

**56.07 DESIGN STANDARDS.** The standards and details of design contained herein are intended only as minimum requirements so that the general arrangement and layout of a subdivision, survey or buildable parcel(s) may be adjusted to a wide variety of circumstances. However, in the design and development of buildable lots or parcels, the applicant should use

standards consistent with the site conditions so as to assure an economical, sustainable development. Approval of land divisions by specific quantity description or plat of survey for buildable parcels that do not meet the requirements of this section will be denied by the Zoning Official. Approval of plats of subdivision or minor plats of subdivision that do not meet the requirements of this section may be denied by the Zoning Commission or Board of Supervisors.

1. The general requirements are as follows:
  - A. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan and future land use planning of Marion County. If any overall plan or neighborhood plan has been made by the Commission for the area in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.
  - B. No Landlocked Parcels. No parcels or remnant parcels shall be created via plat of survey or subdivision that do not have a means for access for future development purposes. Buildable lots or parcels created after the effective date of this ordinance shall have frontage to a public or private street. Lots or parcels designated for agricultural purposes only may have access from an adjoining parcel under the same ownership.
  - C. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
    - (1) Storm drainage facilities shall be designed and constructed in conformance with the Statewide Urban Design Standards and Specifications (SUDAS).
    - (2) The National Pollutant Discharge Elimination System (NPDES) permit is required for construction sites equal to or larger than one acre. Permits must be obtained before earthwork begins.
  - D. Flag Lots. Flag lots are permitted with unimpeded access from the pole to the flag.
    - (1) The pole for the flag should meet the minimum standards of right of way. The stem/pole should match the surrounding development standards. If the adjacent land has not been subdivided the stem can be sixty-six (66) feet. When the adjacent property has previously been subdivided the stem shall be thirty-three (33) feet.
2. The Street and Engineering Requirements.
  - A. Half Streets. Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.
  - B. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead end thereof.

C. Street Intersections. Street intersections shall be as nearly at right angles as possible.

D. Cul-de-Sacs. Whenever a cul-de-sac is permitted, such street shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred thirty-five (135) feet in the case of the residential subdivision. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty-six (66) feet for private streets and sixty-six (66) feet for public streets. The property line at the intersection of the turnaround and the lead in portion of the street shall be rounded at a radius of not less than seventy-five (75) feet. Where the cul-de-sac is a public street, said public street shall not be longer than six hundred sixty (660) feet.

E. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but no street right-of-way shall be less than sixty-six (66) feet in width, and in similar alignment, unless variations are recommended by the Commission.

F. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead ended, an interim turnaround may be required.

G. Street Names. All newly platted streets, whether public or private, shall be addressed in a manner consistent with the present street addressing system. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended, although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the 911 Coordinator in order to avoid duplication or close similarity of names.

H. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a trafficway, limited access way, freeway, or parkway, the street layout shall provide motor access to such frontage by one of the following means:

- (1) A parallel street supplying frontage for lots backing onto the trafficway.
- (2) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
- (3) An access drive separated by a planting strip from the highway to which motor access from the drive is provided at points suitably spaced.
- (4) A service drive or alley at the rear of the lots. Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.
- (5) Where improvements to existing public farm to market roads or federal aide routes are necessary, including turning lanes or

pavement widening, the pavement surface shall be designed in accordance with IDOT or SUDAS Standards fitting the design traffic needs and shall be approved by the County Engineer.

(6) Where access to any public or private street within the subdivision or to any lot or parcel with the plat is from any highway or street under the jurisdiction of the Iowa Department of Transportation (DOT) no plat of survey or plat of subdivision shall be finally approved until all necessary entrance permits have been obtained from the Iowa DOT.

I. New Subdivision Streets. Where a proposed subdivision requires or proposes a new street within the development, the following shall apply:

(1) All roads and related infrastructure including but not limited to pavement, curb, storm sewers and culverts shall remain private until such time as the County Engineer recommends acceptance and the Marion County Board of Supervisors accepts such facilities and right-of-way in accordance with Section 56.11 herein.

(2) Completion of the subdivision shall not compel the County to maintain any portion of the infrastructure.

(3) No subdivision shall be approved unless access to all lots is available from an improved public or private road.

(4) No individual road within a subdivision, including all phases of the subdivision, shall be eligible to be a County-maintained public road until the entire subdivision including all phases is completed to the standards in place at the time of the completion of each phase of the final improvements to the subdivision.

(5) Pavement width, thickness and materials for private residential roads shall be in accordance with Marion County's current policy on "Hard Surface Improvement of Roads" as adopted by the Board of Supervisors, unless said pavement width and materials has been waived in accordance with Subsections 56.07(1)(P) of this chapter.

J. Easements.

(1) Right-of-Way Easements.

(a) An easement for the benefit of Marion County shall be provided for all public streets before same will be accepted for County maintenance.

(b) Major public thoroughfares shall have a minimum right-of-way as specified by the County Engineer. Minor or residential public streets shall not be less than sixty-six (66) feet wide.

(c) Private residential streets shall have a minimum right-of-way easement width of sixty-six (66) feet. An easement shall be provided for the benefit of all property owners having access via a private street, with maintenance of the private street the responsibility of all such property

owners by means of a recorded legal document. The private street right-of-way easement shall not be included in the "net" acres of any lot or parcel.

(d) In no case shall a private right-of-way or roadway easement for a private street be located on a separate lot.

(2) Utility Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed.

(3) Drainage Easements. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at said owner's own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to Marion County an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream. The width of such easement shall be not less than twenty (20) feet and the total width of the easement shall be adequate to provide for any necessary channel relocation or straightening. It shall not be the responsibility of Marion County to repair embankments, remove fallen trees, or replace vegetation as a result of erosion, construction, farm operations or similar causes.

(4) Property owner or tenant shall not erect any permanent structures in any right-of-way, drainage way or easement, or utility easement, but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee.

K. Unsubdivided Portion of Plat. Where the land division to be submitted includes only part of the tract owned by the subdivider, the Zoning Official or Commission may require topography and a sketch of a tentative future street system of the developed portion.

L. Sidewalks. Sidewalks may be required by the Board of Supervisors at the time of final platting along any public or private street in the subdivision in accordance with standards and specifications of Marion County. Where streets include curb and gutter, sidewalks shall be located within the right-of-way if sidewalks are required. Where streets do not include curb and gutter, sidewalks shall be located within an easement adjacent to the right-of-way if sidewalks are required. When sidewalks are required, they shall be constructed in conjunction with the principal structure on the adjoining lot.

M. Consent and Waiver. In subdivisions where a majority of lots are not less than one hundred (100) feet in width, along streets designated for single-family use, the Zoning Commission may waive the following requirements, upon recommendation of the County Engineer, at the time of consideration of the preliminary plat. If such subdivision is within the jurisdictional limits of a city, the applicable city must also waive said requirements.

(1) Pavement Surface. In said subdivisions, the Commission may waive the requirement for concrete paving for private streets, in

which case the type and strength of street surfacing to be installed shall be noted on the preliminary plat and final plat.

(2) Curb and Gutter. In said subdivisions and where conditions are such as to discourage street parking, the Commission may waive the requirement for curb and gutter in which case a typical section of the roadside ditches shall be added to the preliminary plat.

(3) Sidewalks. Where the buildable parcels have frontage on public or private streets not having curb and gutter, the Commission or Zoning Official may waive the requirement for sidewalks.

(4) Streetlights. In subdivisions not having streets with curb and gutter, the Commission may waive the requirement for streetlights.

(5) In the event facilities are proposed by the subdivider that do not meet the minimum standards described by this chapter and/or are not in conformance with the Secondary Road Department Subdivision Policy, each lot or tract within said subdivision shall have a consent and waiver approved by the Commission with the preliminary plat and approved by the Board and recorded with the final plat stating that the cost for any improvements to bring the private street up to minimum standards shall be the responsibility of the property owner(s).

N. Access. Any new land division fronting on a public trafficway shall have no more than four (4) accesses onto each side of such trafficway in each 1,320 feet; Any new land division fronting a public trafficway shall have access based on the lot sizes; provided however that approved field drives shall not be considered. All accesses shall be placed only at the direction of the Marion County Engineer. No access drive shall be permitted to a County public road in a subdivision where access is available to a private road within a subdivision.

O. Street Grades. Public streets shall be completed to grades which have been officially determined or approved by the County Engineer. All public and private streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade for all streets shall be designed in accordance with the Statewide Urban Design Standards and Specifications (SUDAS). All changes in grades on major roads or highways shall be connected by vertical curves in accordance with SUDAS.

The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the County Engineer.

- P. Railroads. If a railroad is involved, the subdivision plan should:
- (1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
  - (2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to back onto the railroad; or form a buffer strip for park, commercial, or industrial use.
  - (3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto.
- Q. Erosion Control. It shall be the responsibility of the property owner and/or the subdivider to obtain any necessary permits prior to commencing construction, including but not limited to a NPDES Storm Water Discharge Permit and preparation of a Storm Water Pollution Prevention Plan (SWPPP), and all current standards set forth in the by the Iowa Department of Natural Resources including to all land disturbances of less than one acres total land area, that is part of a larger common plan of development of sale.
- R. Street Trees. Trees or bushes shall not be planted within the public street or road right-of-way.
3. Utilities. All new water supply and distribution systems and all new sanitary sewer collection and treatment systems shall comply with the requirements of Marion County Environmental Health Department and the Iowa Department of Natural Resources, whether said systems are individual systems or common systems.
- A. Common Systems. A common water and wastewater system shall be provided for any subdivisions or developments having lots less than 3.0 acres in size or for multiple-family dwellings, row houses, mobile home parks, commercial uses or industrial uses unless specifically waived by Marion County Environmental Health Department.
- B. Easements. Easements shall be provided as required in paragraph 1(K) of this section.
4. Blocks. The general requirements for blocks shall be as follows:
- A. No block shall be longer than 1,320 feet, except in areas zoned residential districts by the Zoning Ordinance.
- B. At street intersections, block corners shall be rounded with a radius of not less than twenty-five (25) feet; where, at any one intersection, a curve radius has been previously established; such radius shall be used as standard.
5. Lots. The general requirements for lots shall be as follows:
- A. Corner lots shall be of such width as to permit the maintenance of all yard requirements as may be required by the Zoning Ordinance.
- B. Double frontage lots should be avoided except where essential to provide separation of development from major traffic arteries or to overcome specific disadvantages of topography.
- C. Side lot lines are preferred to be at approximately right angles to the street or radial to curved streets. Lot lines shall be straight except when otherwise indicated by topography.



**56.08 PRELIMINARY PLAT REQUIREMENTS.** The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, owner, or representative may call at the office of the Zoning Official in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for the approval of the plat. The preliminary plat shall be submitted at least two (2) weeks before the next meeting of the Zoning Commission.

1. Copies. One copy and digital copy of the preliminary plat shall be submitted to the Zoning Commission for its review.
2. Contents.
  - A. Name of subdivision, date, point of compass, scale and the legal description of the property being platted.
  - B. Name and contact information of recorded owner and developer.
  - C. Name and contact information of land surveyor and engineer.
  - D. Existing buildings, railroads, underground utilities, and other rights-of-way.
  - E. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
  - F. Location and names of adjoining subdivisions, and the names and addresses of the owners of adjoining acreage parcels.
  - G. Proposed lot lines with approximate dimensions and the square foot area of each lot.
  - H. Areas dedicated for public use, such as schools, parks, and playgrounds.
  - I. Contour lines at intervals of not more than two (2) feet.
  - J. Building setback lines.
  - K. Boundaries of the proposed subdivision shall be indicated by a heavy line.
  - L. Zoning classification of the area.
  - M. Proposed utility service.
    - (1) Source of water supply.
    - (2) Provision for sewage disposal, drainage, and flood control.
  - N. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
  - O. Lot numbers and the gross area, area included in the road right-of-way, and net area shall be shown for each lot.
  - P. A table designating each lot or parcel as either buildable or for agricultural use only.

- Q. Note that all new streets in the subdivision shall be private, unless the Board of Supervisors, upon recommendation of the County Engineer, requires a new street to be public.
- R. A typical cross-section indicating the street width, material and thickness for all public and private streets as well as size and location of the roadside drainage ditches.
- S. A note listing all waivers being requested for the construction of private streets such as concrete pavement, curb and gutter, sidewalks, and/or street lights.
- T. Right-of-way easement widths.
- U. Easements for public utility purposes.
- V. Location and dimensions of sidewalks to be installed (only when the provisions of Section 354.9, *Code of Iowa*, or current 28E agreements with the individual municipality are waived by said jurisdiction).
3. Accompanying Material. A consent and waiver request, signed by the property owner, for all private streets not constructed in conformance with the minimum standards required in Section 56.07(1)(N). Said consent and waiver shall conform to the requirements of Section 56.07(1)(P) and shall not become effective until approved by the Board at the time of final platting.
4. Construction Plans.
- A. After approval of preliminary plat by the Commission, the subdivider shall submit construction plans for all required public improvements for approval by the County Engineer.
- B. Marion County does not review the construction plans or provide inspection for private improvements, including private streets. It shall be the responsibility of the applicant and his professionals to insure the construction of private streets, utilities and drainage facilities complies with the requirements of this chapter and the approved preliminary plat and waivers.
- C. Plans and profiles of public streets at a 50-foot horizontal scale and 5-foot vertical scale. Profiles shall show location, size and grade of all conduits, including drainage areas, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of the north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing. Said plan must carry the certification and signature of a registered professional engineer as defined by Chapter 355 of the Code of Iowa.
- (1) Public roads shall meet the requirements of Section 56.07 of this chapter.
- (2) Private roads shall meet the requirements of Section 56.07 of this chapter unless the developer requests a waiver in which case the waiver shall be so noted on both the preliminary plat and final plat.

**56.09 FINAL PLAT REQUIREMENTS.**

1. Number of Copies. When the final plat of a proposed subdivision is to be submitted to the Board of Supervisors for consideration it must first have been submitted and reviewed by the Zoning Commission. Three (3) copies of the final plat shall be required. The final plat shall be submitted at least two (2) weeks before the next meeting of the Zoning Commission.
2. Contents of Final Plat.
  - A. Name of subdivision.
  - B. Scale.
  - C. Compass point.
  - D. Curve data including delta angle, length of arc, degree of curve, tangent.
  - E. Complete legal description of the property to be platted, including descriptive boundaries of the subdivision.
  - F. Exact street name, location, right-of-way easement width, and centerline of all streets within the subdivision. All streets shall be noted as "private" unless specifically approved by the Commission and/or Board of Supervisors, upon recommendation of the County Engineer, as a public street.
  - G. Easements for public and private utilities showing width and use intended.
  - H. Building setback lines with dimensions.
  - I. Lot numbers and the gross area, area included in the road right-of-way, and net area shall be shown for each lot.
  - J. A table designating each lot or parcel as either buildable or for agricultural use only.
  - K. Certification of registered land surveyor and engineer.
  - L. Description and location of all permanent monuments set in the subdivision, including accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of Marion County. (Monumentation shall meet the requirements of Section 355.6, Code of Iowa.)
  - M. The names and addresses of the owners and subdividers.
  - N. Areas dedicated for public use; such as schools, parks, and playgrounds.
  - O. Location and names of adjoining subdivisions.
3. Accompanying Material.
  - A. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for review. If the subdivision includes private streets, the covenants should address private maintenance responsibilities for said streets.

- B. An easement to the County properly executed, for all streets intended for public streets, and for any other property intended for public use.
  - C. A certificate by the owner and spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.
  - D. Performance bond, if any.
  - E. A consent and waiver to be recorded with the final plat, signed by the property owner, for all private streets, sidewalks and/or streetlights not constructed in conformance with the minimum standards required in Section 56.07(1)(N) provided such consent and waiver was approved by the Commission at the time of consideration of the preliminary plat and the Board at the time of consideration of the final plat.
  - F. Where the subdivision includes public improvements, a set of plans of record showing as constructed improvements.
4. Certificates. It shall be the responsibility of the owner to obtain and submit to the County Recorder the following certificates, prior to or at the time that the final plat is submitted for record.
- A. From the County Treasurer that the subdivision land is free from taxes.
  - B. Other documents as required by Section 354.11 of the *Code of Iowa*.

#### **56.10 MINOR PLAT REQUIREMENTS.**

1. To simplify the approval procedures in those subdivisions for which all required public improvements are in place, the minor subdivision will waive the preliminary plat procedure and requirements when the conditions of Section 56.03 and 56.04 herein have been met.
2. Upon recommendation and determination of the Zoning Official, with the recommendation of the County Engineer and Environmental Health, that the proposed subdivision meets the conditions as specified in the definition of a minor subdivision, a developer may be permitted to proceed with a minor subdivision.

#### **56.11 IMPROVEMENTS REQUIRED.**

1. Construction Completed or Provision of Bond. Before the final plat of any area shall be approved by the Board of Supervisors and recorded, the subdivider shall make and install the public improvements described in this section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider may, subject to approval by the Board of Supervisors and recommended by Zoning Commission, post a bond, approved by the County Attorney and County Treasurer, with the Board of Supervisors, which bond will insure to the County that the improvements will be completed by the subdivider within one (1) year after final approval of the plat. The amount of the bond shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer. If the improvements are not completed within the specified time, the County may use the bond or any portion thereof to complete same. For plats located in unincorporated areas (only when the provisions of Section 354.9, *Code of Iowa*, or

current 28E agreements with the individual municipality are waived by said jurisdiction) the Commission and Board may waive the requirements of this section provided they are satisfied that the subdivision regulations of the City governing the areas within which the subdivision is located are sufficient to insure adequate conformance with these regulations.

2. Minimum Improvements Required. The minimum improvements installed or for which bond is posted, in any subdivision, before the final plat can be approved by the Board, shall be in accordance with the following subsections:

A. The subdivider shall grade and improve all new private streets between the right-of-way lines within the subdivided area prior to the adjoining lots being sold. In no case shall a building permit be issued for any lot unless the required private streets have been constructed.

B. All public streets, including widening and turning lanes, shall be paved in accordance with Marion County's current policy regarding "Hard Surface Improvement of Roads," as adopted by the Board of Supervisors.

C. All private streets shall be paved in accordance with the requirements for public streets specified in Section 56.07 unless waived by the Commission at the time of consideration of the preliminary plat.

D. Sidewalks, unless waived by the Commission at the time of consideration of the preliminary plat, shall be the responsibility of the homebuilder to construct said sidewalks in conjunction with the building permit for each lot.

E. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residences or other structures thereon.

F. The subdivider shall construct sanitary sewers according to the standards and specifications of Marion County, and provide a connection for each lot to the sanitary sewer. Where existing sewer outlets are not within reasonable distance, installation of private sewer facilities or septic tanks may be permissible and meet the requirements of the County Board of Health. Where a private sewage treatment system is proposed, the subdivider shall furnish evidence that these facilities have been approved by the Iowa Department of Natural Resources.

G. The subdivider shall provide, where practicable, for the installation of water mains and fire hydrants in the subdivided area, and such installation shall be made prior to the street pavement construction and shall be in accordance with the standards and specifications of Marion County. Where a private water supply system is proposed, the subdivider shall furnish evidence that such a system has been approved by the Iowa Department of Natural Resources. Private wells shall meet the requirements of the County Board of Health.

H. Storm drainage and storm sewer facilities shall be provided, including permanent culverts or bridges of a size and design approved by the County Engineer.

I. Permanent monuments shall be set at each corner of the perimeter of the subdivision and at the corner of each block within the subdivision and at

the corner of each lot. All monuments shall be made of permanent material, sensitive to a dip needle and at least 30 inches long, and shall conform to standard specifications of Marion County. The requirements of Section 355.6 of the Code of Iowa regarding monumentation shall also apply.

J. Street signs shall be required at all intersections and shall be of the type approved by the Zoning Official.

K. Street lights shall be installed in all subdivisions unless a variance is granted by the Board of Supervisors and recommended by the Zoning Commission. Street light location shall be shown on the utility plan provided by the utility company.

L. The Board and Commission may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley or way in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. Such incidental appurtenances shall be in accordance with the standards and specifications of Marion County. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Board and Commission may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical.

3. Approval by Engineer. All plans, specifications, installation and construction of all public improvements required by this chapter shall be subject to review, approval and inspection by the County Engineer or an authorized representative. It shall be the responsibility of the applicant and his professionals to insure that the plans, specifications, installation and construction of all private improvements conform to the requirements of this chapter and all state and local codes.

A. The County may require contracts for all public improvements to be executed on forms furnished and approved by the County Attorney and the Board of Supervisors.

B. The subdivider shall furnish the County Engineer with a construction schedule prior to commencement of any and/or all construction, and shall notify the County Engineer, not less than 48 hours in advance of readiness for required inspection. The subdivider shall reimburse the County for the costs expended for all inspection services and tests furnished and conducted by or on behalf of the County.

4. Acceptance of Public Improvements. Where any subdivision includes public improvements that the County Engineer has recommended become public improvements to be maintained by Marion County, the following shall apply:

A. Warranty. The subdivider shall be responsible for the installation and/or construction of all improvements required by this chapter, and shall warrant the design, materials and workmanship of such improvements, installation and construction for a period of four (4) years from and after completion. Such warranty shall be by bond or other acceptable collateral; and shall be subject to review by the County Attorney; shall assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the County from all costs or losses resulting from or contributed to such defective improvements.

B. Easements. All public or private streets and utilities shall be located within an easement dedicated for the construction, reconstruction, expansion and maintenance of said improvement.

C. Recommendation of the County Engineer. Upon completion of construction, the County Engineer shall final inspect the public improvements and shall report that said public improvements are in substantial conformance to the approved plans and specifications or other County requirements and agreements between the subdivider and the County. Any cost to conform with the County's requirements prior to acceptance by the County shall be the responsibility of the subdivider or roadway owner(s).

D. Upon the recommendation of the County Engineer and County Attorney, the Board of Supervisors shall act upon the subdivider's or roadway owner's request for acceptance. Acceptance of the public improvements by Marion County shall be by formal resolution of the Board.

**56.12 FEES.** Before any land division or subdivision, plat of survey, preliminary plat, final plat, or minor plat may be considered for approval by the Commission, Board of Supervisors, Zoning Official or Auditor, the subdivider or agent shall deposit with the County Treasurer a fee in an amount established from time to time by the Board of Supervisors. If the land division or subdivision is not approved, the fee is not refundable.

**56.13 VARIATIONS AND EXCEPTIONS.** Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial unnecessary hardships or injustices per the Iowa Supreme Court in *Early v Bd. Of Adjustment of Cerro Gordo County*, the Board of Supervisors, following report of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop property in a reasonable manner, but so, at the same time, the public welfare and interest of the County and surrounding area are protected and the general intent and spirit of these regulations are preserved.

1. Validity. No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.

2. Public Improvements. The Board of Supervisors shall not permit any public improvements over which it has control to be made from the County Road Fund, or any County money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been dedicated after the date of adoption of these regulations unless such subdivision or street has been approved in accordance with the provisions contained herein and accepted by the Board of Supervisors as a

public highway and added to the Secondary Road System of Marion County. Streets within a subdivision not accepted by the Board as public highways shall remain private roads.

3. Zoning Certificates. The Zoning Official shall not issue zoning certificates or building permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of the ordinance codified in this chapter but which has not been approved in accordance with the provisions contained herein.

**56.14 CHANGES AND AMENDMENTS.** Any provisions of these regulations may be changed and amended from time to time by the Board of Supervisors; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the County not less than four (4) days or more than twenty (20) days prior to such hearing.

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